

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 420

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO INJURY BY GRAFFITI; AMENDING SECTION 18-7036, IDAHO CODE, TO  
PROVIDE FELONY PENALTIES FOR CERTAIN ACTIONS OF INJURY BY GRAFFITI AND  
TO MAKE A TECHNICAL CORRECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-7036, Idaho Code, be, and the same is hereby  
amended to read as follows:

18-7036. INJURY BY GRAFFITI. No person shall purposely or knowingly  
vandalize, deface or otherwise damage the property of another by painting,  
writing, drawing, or otherwise inscribing thereon in any fashion that which  
is commonly known as graffiti. Graffiti includes any form of painting,  
writing, or inscription regardless of the content or the nature of the  
materials used ~~which~~ that is applied to any public or private surface without  
the consent of the owner of the property. Every person who is convicted of a  
violation of the provisions of this section is guilty of a misdemeanor and  
shall be punished by imprisonment in the county jail for up to one (1) year or  
a fine of not more than one thousand dollars (\$1,000) or by both such fine and  
imprisonment, unless:

(1) The damages caused by a violation of the provisions of this section  
exceed one thousand dollars (\$1,000) in value; or

(2) Any series of individual violations of the provisions of this  
section are part of a common scheme or plan and are aggregated in one (1)  
count and the damages from such violations when considered together exceed  
one thousand dollars (\$1,000) in value.

(3) Any person who pleads guilty to or is found guilty of the provisions  
of this section who previously has been found guilty or has pled guilty to two  
(2) or more violations of the provisions of this section within a period of  
five (5) years shall be guilty of a felony.

(4) Any person who is found guilty of the provisions of subsection (1),  
(2) or (3) of this section is guilty of a felony, punishable by a fine of at  
least one thousand dollars (\$1,000), but not exceeding five thousand dollars  
(\$5,000) and imprisonment in the state prison for not less than one (1) year  
nor more than five (5) years or both such fine and imprisonment.